

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARPENTERS HEALTH AND WELFARE	:	CIVIL ACTION
FUND OF PHILADELPHIA AND VICINITY, et al.	:	
	:	
Plaintiffs	:	NO. 02-CV-4650
	:	
v.	:	
	:	
PHK SERVICES, INC.	:	
d/b/a and t/a McCABE CONSTRUCTION	:	
d/b/a and t/a PHK Services	:	
	:	
Defendant	:	

DECLARATION OF RICHARD J. DeFORTUNA, ESQUIRE

COMMONWEALTH OF PENNSYLVANIA	:	
	:	ss.
COUNTY OF PHILADELPHIA	:	

Richard J. DeFortuna, Esquire states, under penalty of perjury that the following is true and correct.

1. I am employed as an associate with the Law Firm of Jennings Sigmond, P.C.
2. Attached to this Motion as Exhibit 5 is a computerized billing list showing all work performed by the office of Jennings Sigmond, P.C. and related costs in connection with the collection of the contributions at issue in this action through February 21, 2003. The computerized listing is prepared from contemporaneous attorney time and expense records, the originals of which are maintained in the regular business records and files of Jennings Sigmond, P.C. The identity of those performing services connected with this matter are:

<u>Initials</u>	<u>Name</u>	<u>Title</u>
SGR	Sanford G. Rosenthal	Attorney
RJD	Richard J. DeFortuna	Attorney

3. Based upon my review of Exhibit 5, the Funds have incurred attorney's fees and costs of \$4,027.66.

4. I have executed this Declaration in support of the Motion of Plaintiffs for Default Judgment against Defendant, and request this Court to consider the same as proof in support of the allegations contained in the Complaint of the Funds and other facts stated in this Declaration.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 24, 2003

s/RICHARD J. DeFORTUNA
RICHARD J. DeFORTUNA, ESQUIRE

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CARPENTERS HEALTH AND WELFARE
FUND OF PHILADELPHIA AND VICINITY, et al. v.
PHK SERVICES, INC. d/b/a and t/a McCabe
Construction and d/b/a and t/a PHS Services
Civil Action No. 02-4650**

JENNINGS SIGMOND ATTORNEYS' FEES – through February 21, 2003

Date	Attorney	Task	Time
2/3/03	RJD	Phone Conference with L. Keifer regarding Company Ownership	.5
2/11/03	RJD	Review of Collective Bargaining Agreements Review and Revision of Motion for Default Judgment	.5
2/19/03	RJD	Final Draft of Default Motion	.4
2/21/03	RJD	Preparation of Exhibits and Motion	<u>1.0</u>
TOTAL HOURS			2.4

February Summary

RJD 2.4 hrs x \$210/per hour = \$504.00

Total from 01/31/03 = \$3,523.66

Grand Total \$4,027.66

Jennings Sigmond

REPORT DATE 02/19/03 WORK IN PROCESS REPORT
 REPORT NUMBER JP038-051268
 SORTED BY CLIENT/MATTER
 BILL THROUGH RANGE 00/00/00-02/19/03

PAGE 1

PRINTED BY MHT

CLIENT CHWP00 MATTER 23500 Carpenters HWP Funds PHK Services/McCabe Const.
 Funds of Philadelphia & Vicinity
 c/o David Costello
 1803 Spring Garden Street
 Philadelphia, PA 19130
 BILL TMKP : SGR Sanford G. Rosenthal
 ORIG TMKP : TWJ Thomas W. Jennings

DATE	TIMEKEEPER	HOURS	AMOUNT	DESCRIPTION
01/09/03	RJD	.10	21.00	Conference with S. Rosenthal regarding Status of Litigation
01/09/03	RJD	.30	63.00	Preparation of Request for Default
01/09/03	SGR	.10	24.00	Memo to File
01/17/03	RJD	.20	42.00	Preparation of Request for Default
01/20/03	RJD	.60	126.00	Preparation of Request for Default and Default Motion
01/21/03	CTM	.10	8.50	Review of Documents from Court regarding Default Request
01/24/03	RJD	1.20	252.00	Preparation of Motion for Default Judgment
01/27/03	RJD	1.00	210.00	Review and Revision of P. Tonia Declaration
01/28/03	RJD	.20	42.00	Review and Revision of P. Tonia affidavit for Motion for Default
01/29/03	RJD	2.50	525.00	Review and Revision of Default Judgment Motion
01/31/03	RJD	.40	84.00	Collection of Exhibits

TIMEKEEPER TOTALS

RJD	6.50	210 /hr	1,365.00
CTM	.10	85 /hr	8.50
SGR	.10	240 /hr	24.00
TOTAL	6.70	\$	1,397.50

DISBURSEMENTS

01/28/03	COPY	3.08	Photocopies
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DISBURSEMENT TOTALS

COPY	3.08
DISB TOTAL	\$ 3.08
BILL TOTAL	\$ 1,400.58

LAST ACTIVE	02/05/03	LAST PAYMENT	10/31/02
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Jennings Sigmond

REPORT DATE 02/19/03

WORK IN PROCESS REPORT

PAGE 2

REPORT NUMBER JP038-051268

SORTED BY CLIENT/MATTER

PRINTED BY MHT

BILL THROUGH RANGE 00/00/00-02/19/03

	HOURS	FEE\$/ EXPENSES
REPORT TOTALS	6.70	1,397.50 3.08

REPRINT OF BILLED DETAILS (as billed)

Bill number CHWP00-23500-001 SGR
 Bill date 06/10/02

Carpenters Health, Welfare & Pension
 Funds of Philadelphia & Vicinity
 c/o David Costello
 1803 Spring Garden Street
 Philadelphia, PA 19130

PHK Services/McCabe Construction (23500)

FOR PROFESSIONAL SERVICES RENDERED

05/23/02	SGR	Review of Correspondence from P. Tonia regarding New File Review of Documents Preparation of Litigation Memo	.30 hrs	195	/hr	58.50
05/28/02	RJD	Review of File Documents in Preparation for Complaint	.20 hrs	185	/hr	37.00
05/30/02	SGR	Office Conference with Attorney R. DeFortuna Review of Documents regarding Corporate Information	.60 hrs	195	/hr	117.00
05/30/02	RJD	Preparation for Conference with Attorney S. Rosenthal regarding Collection Efforts and Complaint	.40 hrs	185	/hr	74.00
05/30/02	RJD	Conference with Attorney S. Rosenthal regarding Joint Defendants for Complaint	.20 hrs	185	/hr	37.00
05/30/02	RJD	Preparation of Current Address and Corporate Informatin Seaech Preparation of Complaint Conference with Attorney S. Rosenthal regarding Defendants for Complaint	2.30 hrs	185	/hr	425.50
05/31/02	RJD	Phone Conference with M. Tapken regarding Thomas McCabe and Todd McCabe Defendants	.10 hrs	185	/hr	18.50
05/31/02	RJD	Phone Conference with M. Tapken regarding Thomas N. McCabe and 40 Hours Agreement as Owner	.20 hrs	185	/hr	37.00

TOTAL FEES						\$ 804.50

DISBURSEMENTS

REPRINT OF BILLED DETAILS (as billed)
CHWP00-23500-001 SGR

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TOTAL DISBURSEMENTS

\$ -----
 .00

BILLING SUMMARY

TOTAL FEES

\$ 804.50

TOTAL CHARGES FOR THIS BILL

\$ -----
 804.50

REPRINT OF BILLED DETAILS (as billed)

Bill number CHWP00-23500-002 SGR

Bill date 07/10/02

Carpenters Health, Welfare & Pension
 Funds of Philadelphia & Vicinity
 c/o David Costello
 1803 Spring Garden Street
 Philadelphia, PA 19130

PHK Services/McCabe Construction (23500)

FOR PROFESSIONAL SERVICES RENDERED

06/14/02 RJD	Phone Conference with M. Tapken regarding McCabe 40 Hour Agreement			
		.30 hrs	185 /hr	55.50
06/26/02 RJD	Review of McCabe Documents and Preparation of Complaint			
	Preparation of FOIA Letter to USPS regarding McCabe Address	.40 hrs	185 /hr	74.00

	TOTAL FEES		\$	129.50

DISBURSEMENTS

TOTAL DISBURSEMENTS	\$	-----	.00
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BILLING SUMMARY

TOTAL FEES	\$	129.50

TOTAL CHARGES FOR THIS BILL	\$	129.50

REPRINT OF BILLED DETAILS (as billed)

Bill number CHWP00-23500-004 SGR
 Bill date 08/09/02

Carpenters Health, Welfare & Pension
 Funds of Philadelphia & Vicinity
 c/o David Costello
 1803 Spring Garden Street
 Philadelphia, PA 19130

PHK Services/McCabe Construction (23500)

FOR PROFESSIONAL SERVICES RENDERED

07/01/02	RJD	Investigation of Companies Preparation of Complaint	.50 hrs	185	/hr	92.50
07/01/02	RJD	Conference with Attorney S. Rosenthal regarding Company, Proper Parties for Complaint	.20 hrs	185	/hr	37.00
07/02/02	RJD	Preparation of Complaint	.50 hrs	185	/hr	92.50
07/02/02	SGR	Preparation of Complaint	.20 hrs	195	/hr	39.00
07/10/02	SGR	Review and Revision of Complaint	.40 hrs	195	/hr	78.00
07/10/02	RJD	Preparation of Complaint	.50 hrs	185	/hr	92.50
07/11/02	RJD	Review of Complaint	.30 hrs	185	/hr	55.50
07/15/02	CTM	Review of Documents from Court (x2)	.20 hrs	85	/hr	17.00
TOTAL FEES						\$ 504.00

DISBURSEMENTS

07/31/02	COPY	Photocopies	4.20
07/31/02	PO	Postage Charges	9.76
TOTAL DISBURSEMENTS			\$ 13.96

BILLING SUMMARY

TOTAL FEES	\$ 504.00
TOTAL DISBURSEMENTS	\$ 13.96
TOTAL CHARGES FOR THIS BILL	\$ 517.96

REPRINT OF BILLED DETAILS (as billed)

Bill number CHWP00-23500-005 SGR

Bill date 09/10/02

Carpenters Health, Welfare & Pension
 Funds of Philadelphia & Vicinity
 c/o David Costello
 1803 Spring Garden Street
 Philadelphia, PA 19130

PHK Services/McCabe Construction (23500)

FOR PROFESSIONAL SERVICES RENDERED

08/13/02	CTM	Computer Research Dunn & Bradstreet Corporate Records regarding Keifer Construction, McCabe Construction and PHK Services	.70 hrs	85	/hr	59.50
08/14/02	RJD	Review of D & B Keifer Const. and Relationship with PHK	.30 hrs	185	/hr	55.50
08/19/02	RJD	Phone Conference with W. Phillips of PHK Services regarding Sale of Business to T. McCabe Review of Documents of Sale	.40 hrs	185	/hr	74.00
08/19/02	RJD	Phone Conference with H. Phillips regarding Keifer's Interest in PHK Conference with Attorney S. Rosenthal regarding Same	.20 hrs	185	/hr	37.00
08/20/02	RJD	Conference with Attorney S. Rosenthal regarding Ownership of PHK and Service of L. Keifer	.10 hrs	185	/hr	18.50
08/20/02	CTM	Review of Documents from Court regarding Summons	.10 hrs	85	/hr	8.50
08/26/02	RJD	Conference with M. Tapken regarding Update on Case Status	.10 hrs	185	/hr	18.50

TOTAL FEES						\$ 271.50

DISBURSEMENTS

08/01/02	FF	Filing Fee - US District Court	150.00
08/22/02	7100	Service Fee	129.50

TOTAL DISBURSEMENTS			\$ 279.50

BILLING SUMMARY

REPRINT OF BILLED DETAILS (as billed)
CHWP00-23500-005 SGR

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TOTAL FEES	\$	271.50
TOTAL DISBURSEMENTS	\$	279.50

TOTAL CHARGES FOR THIS BILL	\$	551.00

REPRINT OF BILLED DETAILS (as billed)

Bill number CHWP00-23500-006 SGR
Bill date 10/10/02

Carpenters Health, Welfare & Pension
Funds of Philadelphia & Vicinity
c/o David Costello
1803 Spring Garden Street
Philadelphia, PA 19130

PHK Services/McCabe Construction (23500)

FOR PROFESSIONAL SERVICES RENDERED

TOTAL FEES	\$	----- .00
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DISBURSEMENTS

09/30/02 CRDB Computer Research - Dun & Bradstreet		120.12
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TOTAL DISBURSEMENTS	\$	----- 120.12
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BILLING SUMMARY

TOTAL CHARGES FOR THIS BILL	\$	----- 120.12
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REPRINT OF BILLED DETAILS (as billed)
CHWP00-23500-ALL SGR

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REPORT TOTALS

TOTAL FEES	1,709.50
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TOTAL DISBURSEMENTS	413.58
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	2,123.08